



## **ZONING ADMINISTRATOR NOTICE OF DECISION**

**Date:** October 5, 2015  
**Applicant:** T-Mobile USA  
**Case No.:** PCC-15-0004  
**Address:** 448 Willowcrest Way, Chula Vista, CA  
(APN 639-600-21)  
**Project Planner:** Jeff Steichen

Notice is hereby given that on October 5, 2015 the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-15-0004, filed by T-Mobile USA ("Applicant"). The Applicant requests approval of a new CUP, for a previous CUP that has expired, for a wireless telecommunications facility permitting installation of three panel antennas and two ground mounted equipment cabinets ("Project"). The subject property is designated as Low Medium residential in the Chula Vista General Plan and is zoned Single-Family Residential (R-1). The subject property is located at 448 Willowcrest Way, Chula Vista, Ca. ("Project Site"). The Project is more specifically described as follows:

The existing wireless telecommunications facility includes three panel antennas mounted on the roof and screened within a faux roof-top chimney, and two radio equipment cabinets located at the ground level. The Project was previously approved (PCC-97-05 and PCC 97-05E) to permit installation of up to three antennas and ground level equipment areas. No change to the existing antennas or equipment area is proposed. The Project has been designed with the intent to be visually unobtrusive and integrated as part of the existing building, which is considered stealth, as prescribed in Section 19.89, Wireless Telecommunications Facilities, of the Chula Vista Municipal Code (CVMC).

The Development Services Director has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines. The project qualifies for a Class 1 exemption because the project proposes operation of an existing facility, involving negligible or no expansion to the existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Sections 19.14.030 (A) and 19.89 of the Chula Vista Municipal Code, has been able to make the findings for approval of this conditional use permit as required by CVMC Section 19.14.080:

***That the proposed use at this location is necessary or desirable and will contribute to the general well being of the neighborhood or the community.***

The Project will continue to contribute to the general well-being and public convenience by improving wireless communication through providing essential communication and improved, uninterrupted service to the area surrounding its location. The proposed wireless facility at this location is designed with state of the art technology that will not interfere with any existing activities or conveniences of the public.

***That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.***

The existing wireless antennas are flush mounted on an existing building and are concealed within a chimney. The Project has been designed and is required to operate in compliance with Federal Law regulating such facilities. The use will provide a choice in wireless communication reliability in the user's coverage area. In the event of an emergency or natural disaster, the use will be able to continue to function, which can help to enhance the general health, safety, and welfare of the citizens of Chula Vista.

***That the proposed use will comply with the regulations and conditions specified in the code for such use.***

The granting of this CUP is conditioned to require the Applicant and Property owner to fulfill conditions and comply with all applicable regulations and standards specified in the CVMC for such use, including the City's Wireless Ordinance. The City's Wireless Ordinance generally allows wireless facilities in all zoning districts with a Conditional Use Permit. The use was constructed in such a way that complies with the Wireless Ordinance's development criteria and all other City zoning and building regulations. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by this project in that the conditions imposed are directly related to, and of a nature and scope related to size and impact of the project.

***That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.***

The integration of state-of-the art wireless facilities with existing uses helps to achieve General Plan Objective, Public Facilities and Services Element (PFS) 24.2, of reviewing new telecommunications facilities and request siting and design techniques that maximize benefits and minimize community impacts. This will contribute to the implementation of the General Plan policies.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-15-0004, as described above subject to the following conditions of approval:

**I. Prior to the approval by the City of Chula Vista for the continued use of the subject property in reliance upon this CUP, the Applicant shall satisfy the following requirements:**

1. The Project Site shall be developed and maintained in accordance with the approved PCC-15-0004 plans, which include the site plan, roof plan and elevations dated October 5, 2015, subject to the following conditions contained herein, and the Zoning Ordinance (Title 19)
2. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval

\_\_\_\_\_  
Signature of Applicant/Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Property Owner/representative

\_\_\_\_\_  
Date

**II. The following on-going conditions shall apply to the Project as long as it relies upon this approval:**

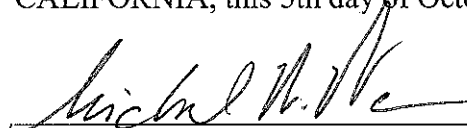
3. The Applicant shall apply for the required building permits for any modification of the existing facility that requires issuance of a building permit. Permits shall comply with applicable codes and requirements, including but not limited to: the current 2013 California edition of Building Code (CBC), 2013 Mechanical Code, 2013 Plumbing Code, 2013 Electrical Code, 2013 Fire Code (CFC), 2010 Energy Code, and 2013 Green Building Code as adopted and amended by the State of California and the City of Chula Vista.
4. Any modifications to the Project must be designed by an Architect or Engineer licensed by the State of California (California Business and Professional Code 5536.1, 6735).

5. Any new construction on installation requiring approval of a building permit shall be reviewed and approved by the City Fire Marshal.
6. The Applicant shall construct and maintain the facility and uses authorized by this Conditional Use Permit. Any new uses, modification or expansion of the facility and uses shall be subject to the review and approval of the Zoning Administrator.
7. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, City's Wireless Ordinance and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
8. The Project shall operate in compliance with the Performance Standards, CVMC Chapters 19.66, and Performance Standards and Noise Control, Chapter 19.68.
9. The Applicant shall cooperate with telecommunications companies in co-locating additional antennas on subject property provided said co-locators have received a Conditional Use Permit for such use at said site from the City. Applicant shall exercise good faith in co-locating with other communications companies and sharing the permitted site, provided such shared use does not give rise to a substantial technical level-or quality-of-service impairment of the permitted use (as opposed to a competitive conflict or financial burden). In the event a dispute arises as to whether Applicant has exercised good faith in accommodating other users, the City may require a third party technical study at the expense of the Applicant.
10. Within 90 days of cessation of the business operations and use of the antennas, the Applicant shall submit a substitute user to the satisfaction of the Development Services Director and/or remove the Project and all associated equipment from the Project Site. If the facility is removed, then the Applicant shall restore the Project Site to its original condition. Any changes on this Conditional Use Permit shall require a modification to be reviewed by the Zoning Administrator.
11. The Applicant/Representative and Property Owner shall and do hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this

Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns

12. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit
13. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
14. This Conditional Use Permit shall expire on October 5, 2025, ten (10) years from the date of this Zoning Administrator approval. The Applicant may request an extension 30 days prior to expiration date from this Conditional Use Permit approval. The Zoning Administrator shall review this use for compliance with the conditions of approval and any applicable codes and regulation, and shall determine, in consultation with the Applicant, whether the Project shall be modified from its original approval, denied or extended

APPROVED BY THE ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA, this 5th day of October, 2015

  
\_\_\_\_\_  
Michael W. Walker  
Zoning Administrator